WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS - DPW AND PARKS, RECREATION & RAILROAD

DATE: JANUARY 29, 2013

COMMITTEE MEMBERS PRESENT:		OTHERS PRESENT:
SUPERVISORS	BENTLEY	JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS
	MERLINO	PAUL BUTLER, DIRECTOR OF PARKS, RECREATION & RAILROAD
	CONOVER	REPRESENTING THE SARATOGA & NORTH CREEK RAILWAY (SNCR):
	WOOD	Steve Torrico, General Manager
	TAYLOR	JUSTIN GONYO, GENERAL SUPERINTENDENT
	FRASIER	Luisa Craige-Sherman, Marketing & Public Relations
	DICKINSON	COORDINATOR
	MASON	KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
	Montesi	PAUL DUSEK, COUNTY ADMINISTRATOR
		JOAN SADY, CLERK OF THE BOARD
		Frank Thomas, Budget Officer
		SUPERVISORS LOEB
		STRAINER
		JULIE PACYNA, PURCHASING AGENT
		Dr. Fredd Senser-Lee, Founder, Botanical Blossomings on the Bikeway
		- USA
		DON LEHMAN, THE POST STAR
		AMANDA ALLEN, DEPUTY CLERK OF THE BOARD

Mr. Bentley called the meeting of the Public Works Committee to order at 9:30 a.m.

Motion was made by Mr. Merlino, seconded by Mr. Conover and carried unanimously to approve the minutes of the prior Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Paul Butler, Director of Parks, Recreation & Railroad, who distributed copies of the meeting agenda to the Committee members; *a copy of the agenda is on file with the meeting minutes.*

Mr. Butler announced the first agenda item referred to a update on Saratoga & North Creek Railway (SNCR) operations, which he asked Steve Torrico, SNCR General Manager, to provide. Mr. Torrico apprised the Snow Train had just concluded its third week of operations, during which 274 passengers were transported. He noted that the Snow Train made one round trip from the Saratoga Springs Station to the North Creek Station on Friday's and Sunday's and two trips on Saturday's, departing from the Saratoga Springs Station at 7:00 a.m. and 10:00 a.m.; Mr. Torrico said they were very pleased with these ridership figures.

Mr. Torrico apprised of a railroad incident that had occurred when a main line switch was inadvertently left open, directing rail traffic into the siding area at the Riparius Station, where a piece of track equipment called a ballast regulator was parked. He continued that the incident had occurred during a routine ferrying trip from the North Creek Station to the Saratoga Springs Station, when the train was not occupied by passengers, to prepare for operations on the following day. Mr. Torrico explained that the train crew had realized the switch was open and applied the emergency brakes, but had still collided with the ballast regulator; he noted there was no derailment and no injuries. He further explained that investigations by the FRA (Federal Railroad Administration) and NYSDOT (New York State Department of Transportation) had concluded, as well as an internal review by SNCR, and they were moving on from the incident.

With respect to freight operations, Mr. Torrico advised SNCR had been in negotiations with Barton

Mines and he opined that they were very close to securing a contract with them; he added that he anticipated this would occur within the month of February and SNCR was very excited about this prospect. Mr. Torrico said Barton Mines was being extremely proactive in considering rail operations as an option for product transportation and he said there were several other companies in the north country area that were also considering this option. He reported that the rail line extending from North Creek to North River, on the Sanford Lake Branch, was open and the brush clearing work had been performed up to the Tahawus Station. Mr. Torrico advised that in November, they had taken an engine and caboose up the rail line to Tahawus and they were very pleased with the state of the tracks which they perceived to be in exceptionally good condition.

Relative to upcoming events, Mr. Torrico distributed a handout outlining the "Teddy (Roosevelt) Rides Again!" event which was scheduled to be held on September 13 - 15, 2013; *a copy of the handout is on file with the minutes*. He said the event would celebrate President Roosevelt's connection with North Creek, and the anniversary of his finding out he had become President while staying in the area. Mr. Torrico advised the festival would include a President Roosevelt impersonator and re-enactment events, as well as a long list of other activities. He pointed out that the front page of the handout announced a special appearance by The Leviathan No. 63, which was a full scale replica of an 1868 steam locomotive, and he said SNCR was still negotiating with the owner of the locomotive in hopes that it would be available for the Teddy Roosevelt event. If it was, Mr. Torrico advised that a vintage coach would be pulled behind The Leviathan and tickets would be sold for train rides, helping to recreate the time period for the re-enactments. Mr. Torrico then introduced Luisa Craige-Sherman, SNCR Marketing and Public Relations Coordinator, to expound upon the details of the event.

Ms. Craige-Sherman announced that SNCR had been working diligently to plan the Roosevelt themed event in an effort to establish an attraction for both history buffs and families alike by including historical re-enactments and teddy bear themed happenings for children. She stated that several events had been planned aimed at encouraging children to bring their own teddy bears to ride the train, participate in a teddy bear parade or bring their favorite teddy bear to a picnic and story time, all interspersed with re-enactments helping them to learn about our Country's 26th President and the historical significance of the Town of North Creek in connection with President Roosevelt's inaugural train ride. Ms. Craige-Sherman stated it was their hope that the re-enactment festival would become a signature event for the Town of North Creek and she said she was attempting to obtain national exposure for the event, and would seek assistance from Kate Johnson, Director of the Tourism Department, who had been successful in bringing the nationally syndicated *Today Show* to the area a few years ago. She commented that The Leviathan No. 63 would bring its own followers to the event, many of which would likely seek area accommodations to stay for multiple days. Additionally, Ms. Craige-Sherman advised SNCR was in negotiations with the North Creek Depot Museum Association to move their D&H Rail Fair to the weekend following the Roosevelt themed event to create a type of bookend scenario where accommodation packages could be offered to attract attendees to come for one event and stay in the area throughout the week to attend the second rail related event.

Mr. Torrico stated that with the Roosevelt event they were not just trying to sell rail tickets, but rather to create a signature event for the Town of North Creek that would bring many visitors. He said the marketing efforts would be minimal locally, and would concentrate mainly on attracting visitors with historical interests from outside of Warren County, and even from other States, who would not typically see the Town of North Creek as a vacation destination. Mr. Torrico informed that SNCR would be seeking assistance from Warren County, and Senator Betty Little, to obtain a proclamation from Governor Cuomo naming September 14th as Teddy Roosevelt Day in New York State and they would also be seeking assistance in requesting a personal appearance by Governor Cuomo with the President Roosevelt impersonator at the North Creek Station. He noted that Governor Cuomo might be amenable to the request as it fit well with his recent initiatives relating to the First Wilderness Heritage Corridor and his interest in the Adirondack Region. Mr. Torrico agreed with Ms. Craige-Sherman's indication that SNCR wanted to raise national awareness of the event and the historical importance of the Town

of North Creek.

Mr. Conover questioned whether ridership figures were available for the Polar Express event held throughout the months of November and December. Mr. Torrico responded that they had sold almost 28,000 tickets, which was a bit less than the approximately 35,000 sold for the prior years event. He said that following a thorough review, SNCR had determined there were a number of factors leading to the decreased ticket sales; however, he added, they were still very happy with the number of tickets sold and felt the event was very successful. Mr. Conover questioned whether the Polar Express attendees had been surveyed with regard to their opinion of the event and Ms. Criage-Sherman responded affirmatively, advising they were still tabulating the survey results. Mr. Torrico advised that in addition to the Polar Express event, they were planning to establish a North Creek Christmas Train that would run between the North Creek and Riparius Stations and he said they intended to decorate the Riparius Station to create a Santa's Workshop setting. He continued that the North Creek Christmas Train would provide a charming attraction for north country residents and visitors who were not interested in driving all the way to the Saratoga Springs Station to ride the Polar Express train.

Mr. Montesi asked where the skis of the Snow Train riders were stored during their ride to and from North Creek and Mr. Torrico advised a baggage car had been added to one train where they were stored when that train was used, otherwise there was a passenger car from which they had removed seats to allow for ski storage.

Mr. Dickinson asked if the majority of the Snow Train passengers were driving to the Saratoga Springs Station for boarding and Mr. Torrico responded that at this point all passengers seemed to be doing so. He expounded that they were receiving a lot of repeat business for the Snow Train, much of which was comprised of teenagers dropped off at the Saratoga Springs Station by their parents. Mr. Torrico stated that the Snow Train was operating very nicely, and although he was not a skier himself and was not familiar with lift ticket prices, it was his understanding that skiers were able to purchase a train ticket/lift ticket combination package that allowed them to ski at Gore Mountain for less than the cost of a lift ticket alone. Mr. Dickinson questioned the combination ticket price and Ms. Craige-Sherman estimated the price for a combination ticket with coach seating to be \$45; she added that Gore Mountain had heavily discounted their lift ticket, essentially allowing a person six hours of skiing for about \$15, which was outstanding. Mr. Montesi questioned how skiers were transported from the North Creek Station to Gore Mountain and Mr. Torrico replied that SNCR had purchased two buses and painted them to look like locomotives which were used to shuttle the skiers. Mr. Bentley asked if the Snow Train schedule would be altered to allow increased operations during the upcoming school winter vacation week and Mr. Torrico responded that based on ridership figures from the prior year, they did not intend to do so. In response to a question posed with respect to the hours of operation for SNCR's ticket booth at the Saratoga Springs Station, Mr. Torrico apprised that it was open in the morning when the train was at the Station and closed shortly after it departed.

Mr. Butler noted that the "Teddy (Roosevelt) Rides Again!" event was intended to replace the Day Out With Thomas event previously held in North Creek and Mr. Torrico affirmed this was a correct assertion. Jeffery Tennyson, Superintendent of Public Works, noted that the previously approved amendment to the Railroad Operator Contract provided allowances for alternate events to be held in place of the Day Out With Thomas event; therefore, he said, a resolution was not necessary and Committee consent would be sufficient to authorize SNCR to proceed with the Roosevelt themed event.

Motion was made by Mr. Taylor, seconded by Mr. Dickinson and carried unanimously to approve the Roosevelt themed event as presented by SNCR.

Returning to the subject of the recent rail accident, Mr. Mason questioned what steps were involved in the internal review performed by SNCR, noting his concern that a more serious accident of this nature could occur in the future. Justin Gonyo, SNCR General Superintendent, apprised that following the incident, the scene was left unchanged, photos and measurements were taken, information was downloaded from the locomotive to determine speed factors, the crew members present during the accident were interviewed and statements were taken, as well as reports as to how those crew members were acting prior to the accident. He said that all of this information was collected and factored to determine the cause of the incident, following which corrective actions were taken to ensure the situation would not be repeated. Mr. Mason then asked if the main line switch was automatic or manual and Mr. Gonyo responded that it was a manual switch and it had been determined that human error had led to the switch being in the wrong position. Mr. Dickinson inquired whether there was some kind of indicator on the tracks that identified the placement of the switch and Mr. Gonyo replied affirmatively, advising that there was an indicator on the switch. He explained that the train operated on a track warrant system which indicated whether or not a switch was open on a particular section of track; Mr. Gonyo further explained that because this was found to be a human error situation, the crew had been operating with a good track warrant and had not been on the lookout for improperly lined switches.

On a positive note, Mr. Taylor stated that the marketing materials distributed were of the caliber they had hoped for when the County decided to proceed with SNCR as the Railroad Operator. He commented that the Roosevelt themed event was a great idea and he wished them luck on this endeavor and said he hoped they would continue to produce these original ideas and efforts.

Mr. Torrico apprised that the Snow Train would operate until March 17th and then would begin providing weekend service beginning on March 23rd and extending through the months of April and May before resuming their regular operating schedule. To this end, he said, SNCR would be providing for year-round operations. Mr. Torrico stated that SNCR planned to bring back their Rails and Ales train events for the upcoming summer, along with wine and cheese tasting events and the pumpkin patch themed train ride and event held at the 1,000 Acres Ranch which had been held successfully during 2012. He noted that 1,000 Acres would be working diligently through the summer months, marketing to downstate residents in an attempt to draw them to the area through train travel. Mr. Torrico stated that many local businesses had determined the train to be a viable operation and attraction and were now harnessing its resources to bring more visitors to the area.

With respect to future freight operations with Barton Mines, Mr. Montesi questioned whether there was a potential for freight operations from Tahawus with another company. Mr. Gonyo replied that it was possible to attract business from a second company as the landowner in Tahawus, National Lead, had turned over the use of the land to American Aggregates who would essentially be acting as a broker for any stone movements into or out of the property. Mr. Montesi asked if the tailings were the desirous materials available on the property and Mr. Gonyo responded there were actually two materials sought, the first being the tailings which were comprised of 20% iron, as well as the overburden rocks that could be crushed into various sizes and used as stone runoff. Finally, Mr. Montesi questioned if a facility would be set up to crush the rocks into smaller sizes before shipping and Mr. Gonyo replied affirmatively, advising that a very simple operation would be introduced to address this need; he also noted there was already a company in place that did this type of crushing work, transporting the materials out by truck.

Resuming the agenda review, Mr. Butler advised the next item pertained to a request for State Legislation to enact a Public Authority for oversight and management of the rail line, and he asked Paul Dusek, County Administrator, to address this item. Mr. Dusek stated that for each of the past few years the County had submitted requests to the State Legislature requesting authorization for a Public Authority, none of which had been approved; however, he noted, the last submission had been successful in gaining some support and therefore, he said he would recommend that a similar request be made in 2013. Mr. Dusek apprised that he had suggested the establishment of a Public Authority in light of the significant liability associated with the rail line which included a number of highway

crossings and now carried a considerable number of passengers each year. He said the majority of the liability insurance associated with the rail line was carried by the Railroad Operator and while the County could not carry liability insurance for operations, because they were not an Operator, they did have some liability coverage pertaining to ownership of the rail line, but it was limited. Mr. Dusek advised a Public Authority would allow for enhanced operations between Warren County and the Town of Corinth, providing for efficiency, continuity and expertise in managing the rail line through a Board consisting of members appointed by both municipalities; he added that appropriate limitations would be placed on the powers provided to the Board, specifically pertaining to its borrowing power and other things of this nature. The resolution requested, Mr. Dusek explained, would indicate the County's interest in pursuing a Public Authority, following which the State Legislature would forward a copy of the proposed Authority Bill, allowing for review and requiring a second resolution approving said Legislation. He commented that if the proposed Legislation was the same as what was forwarded last year, which he presumed it would be, he would likely recommend its approval.

Motion was made by Mr. Dickinson, seconded by Mrs. Wood and carried unanimously to approve the request for State Legislation to enact a Public Authority for oversight and management of the rail line and the necessary resolution was authorized for the February 15th Board meeting. *A copy of both the request and the proposed resolution are on file with the minutes.*

Mr. Butler said the next agenda item pertained to a request to authorize runners and support persons associated with the Ragnar Relay Adirondacks 2013 event to use a portion of the Warren County Bikeway after sunset on Friday September 27th until approximately 2:00 a.m. on Saturday September 28th. He reminded the Committee that a similar request had been submitted and approved for the prior year's race, which had approximately 2,800 participants running from Lake Placid, NY to Saratoga Springs, NY. Mr. Butler explained the race was run in a relay format with teams consisting of several people running varying lengths, depending upon ability. He continued that the race had been very popular and they expected increased participation levels estimated at 4,200 participants for the 2013 event. Mr. Butler noted that during the 2012 event, the Municipal Center and Up Yonda Farm parking lots had been used as transfer points. He concluded that a resolution was necessary to authorize nighttime use of the Bikeway as after sunset use was prohibited by Local Law.

Motion was made by Mr. Dickinson and seconded by Mr. Montesi to approve the request.

Mr. Taylor questioned whether a resolution was necessary to allow for repeated use of the Municipal Center and Up Yonda parking lots and Mr. Tennyson replied in the negative, advising this use was approved through the issuance of a Facilities Use Permit.

There being no further discussion on the matter, Mr. Bentley called the question and the aforementioned motion was carried by unanimous vote, thereby authorizing the necessary resolution for the February 15th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Dickinson questioned whether snowmobiles were allowed on the approved section of the Bikeway after dark and Mr. Tennyson responded affirmatively, advising that these provisions were addressed in the Local Law allowing snowmobile use on the identified section of the Bikeway.

Continuing, Mr. Butler presented a request to approve a resolution authorizing Up Yonda Farm to accept the donation of 45 sets of snow shoes, valued at \$3,015, from the Glens Falls Hospital. He noted the funding for purchase of the snow shoes was provided through the New York State Department of Health Creating Healthy Places to Live, Work & Play Initiative.

Motion was made by Mr. Conover, seconded by Mrs. Frasier and carried unanimously to approve the request and the necessary resolution was authorized for the February 15^{th} Board meeting. *A copy of*

the request is on fiel with the minutes.

Mr. Butler advised the next section of the agenda pertained to Items of Interest, which he outlined as follows:

* NY State Parks & Recreation Snowmobile Trails Grant-In-Aid - Mr. Butler advised \$56,170 in funding was anticipated for the 2012-2013 Snowmobile Trail Grant Award, which he said was \$18,770 less than the 2011-2012 award. He attributed the decrease in funding to a loss of trail miles in the Town of Thurman, as well as a decrease in the number of snowmobile registrations; Mr. Butler advised that he would provide statistical figures on the number of snowmobile registrations in March, when that information became available. He pointed out that the agenda included a chart entitled State Snowmobile Funding Breakdown 2002-2013 which outlined the amount of grant funding received for the current season, as well as for the past ten.

Mr. Montesi questioned what the loss of trails in the Town of Thurman was attributed to and Mr. Butler responded that previously, the Thurman trail system had included use of the rail line; however, he said, once the winter train operations began, that use was eliminated. The 32 trail miles lost consisted of both the rail line trails and the leader trails connecting to them, Mr. Butler apprised. Mr. Montesi pointed out the considerable fluctuations in State grant funding, as reflected on the chart provided, and Mr. Butler explained that the amount of State grant funding received was dependent upon the number of snowmobile registrations purchased. He further explained that during years with a lot of snow, registration levels were higher and commensurately the amount of grant funding was higher, as well. Mr. Butler added that during the 2011-2012 season there had not been much snow which led to fewer snowmobile registrations and less grant funding.

* Up Yonda Farm - Mr. Butler announced that the Up Yonda Farm had been the winner of two grant opportunities, receiving a \$2,500 award from the Glenn & Carol Pearsall Adirondack Foundation and a \$640 award from Walmart, both of which would be used for outreach programs at area schools. The outreach programs, he said, would allow Up Yonda staff to bring programming to individual schools, rather than bussing children to the facility, in light of shrinking school budgets which did not allow for such travel. Mr. Butler pointed out a chart included in the agenda packet entitled Up Yonda Farm Annual Visitation, which reflected the number of visitors to the facility for the years 1997 through 2012. He noted the significantly decreased attendance figures for the years 2009-2012, advising that these were attributed to the economic recession which had impacted school budgets, causing field trips to be reduced or eliminated. Mr. Butler also advised the one Naturalist position had been eliminated from the Up Yonda staff in 2009. He concluded that regardless of reductions in attendance levels and staffing, he felt the remaining staff had done a good job of maintaining revenues and attendance, as well as the level of programs provided.

Concluding the agenda review, Mr. Butler announced there were no referral items to address.

Privilege of the floor was extended to Mr. Tennyson to begin the DPW portion of the meeting; copies of the DPW agenda were distributed to the Committee members, and a copy is also on file with the meeting minutes.

Commencing the agenda review, Mr. Tennyson addressed the overtime reporting included on agenda page 1 which listed the amount of overtime incurred for all DPW Divisions for the years extending from 2008 through 2012, as well as for the first few weeks of January 2013. He pointed out that agenda page 2 included a color coded chart depicting the annual overtime expenses incurred by Division, the most expensive of which, he said, was for Snow & Ice. Mr. Tennyson advised agenda page 3 included a Fuel Report outlining fuel expenses through December 31, 2012 which indicated a surplus of \$32,295.30;

he noted that this information was consistent with the projections provided to the Budget Officer earlier in 2012.

Moving on, Mr. Tennyson directed the Committee members to agenda page 6, which reflected a request to rescind Resolution No. 486 of 2012, which awarded the contract for Bid WC 40-12, Lanfear Road Bridge Over Stony Creek Rehabilitation Project. He explained that subsequent to the bid opening held on September 19, 2012, all of the submissions received were deemed unresponsive and the construction contract was not awarded. Mr. Tennyson then inquired as to whether a second resolution would be necessary to reject all bids received in connection with Bid WC 40-12, and Joan Sady, Clerk of the Board, responded in the negative, advising that one resolution could be approved to rescind Resolution No. 486 of 2012 and reject the bids received.

Motion was made by Mr. Dickinson, seconded by Mr. Mason and carried unanimously to approve the request to rescind Resolution No. 486 of 2012 and reject all bids received for Bid WC 40-12 and the necessary resolution was authorized for the February 15th Board meeting. *A copy of the request is on file with the minutes.*

In connection with the previous agenda item, Mr. Tennyson pointed out the request for a new contract, included on agenda page 7. He explained the work for the Lanfear Road Over Stony Creek Bridge Rehabilitation Project would be re-bid under Bid WC 9-13 and he was requesting authorization to award the bid to the lowest responsible bidder which would be determined subsequent to the bid opening scheduled for March $1^{\rm st}$.

Motion was made by Mr. Dickinson and seconded by Mrs. Wood to approve the request to award a new contract as outlined above.

In response to a question posed by Mr. Dickinson, Mr. Tennyson advised that asbestos had been identified in the paint on the bridge, requiring specialized services to remove it, before the necessary repairs could be made and the bridge re-painted. Mr. Tennyson further advised that the specifications included in the WC 40-12 bid document had been unclear, causing the recipients to submit proposals with many questions, making them unacceptable. He explained the revised verbiage in the WC 9-13 bid documents would clarify matters and provide the information necessary to attain acceptable bid submissions.

There being no further discussion, Mr. Bentley called the question and the aforementioned motion was carried by unanimous vote, thereby authorizing the necessary resolution for the February 15th Board meeting.

Mr. Tennyson announced that on agenda page 8 he had included a travel request for himself to attend the NYSAC (New York State Association of Counties) 2013 Legislative Conference in Albany, NY on February $4^{\rm th}$. He advised that he would be attending the meetings of the Transportation and Public Works Committees, on which he served as a member.

Motion was made by Mr. Taylor, seconded by Mr. Montesi and carried unanimously to approve Mr. Tennyson's travel request. *A copy of the executed Authorization to Attend Meeting or Convention Form is on file with the minutes.*

Mr. Tennyson advised the next section of the agenda consisted of Items of Interest, which listed the following:

- * Pending Grant Agreement Hicks Road Reconstruction for ROW (right-of-way)
- * Pending Grant Agreement Crane Mt. Road Bridge for ROW

Mr. Tennyson advised both of the aforementioned were Federal Aid Projects which would incur 80% Federal Funding, 15% State Funding and a 5% Local Share. He said they were awaiting grant documents from NYSDOT which would provide funding for the purchase of ROW property for each project. Mr. Tennyson noted that he anticipated those documents would be received within the week, and if this was the case, he intended to present them at the upcoming Finance Committee meeting for approval.

Mr. Montesi questioned where the ROW property sought for the Hicks Road Reconstruction project was located and Mr. Tennyson responded it was at the south corner of Hicks Road where it met with Ridge Road. He explained that currently, when turning onto Hicks Road from the northbound lane of Ridge Road, large trucks were using the property to make the turn as there was not sufficient asphalt available. Mr. Tennyson stated that the intent was to purchase the small corner of property to widen the intersection and provide a proper turning radius for larger vehicles.

With respect to the Referral List, Mr. Tennyson advised there was only one item to note, that being the Committee's decision to table a request to authorize the Chairman of the Board to sign non-binding grant applications and related correspondence. Because it seemed the Committee had no interest in entertaining the request, Mr. Tennyson asked that the item be removed from the Referral List.

Concluding the agenda review, Mr. Tennyson requested an executive session to discuss matters leading to possible disciplinary action against an employee.

Motion was made by Mr. Dickinson, seconded by Mr. Taylor and carried unanimously to declare an executive session, pursuant to Section 105(f) of the Public Officer's Law.

An executive session was held from 10:14 a.m. to 10:25 a.m.

Upon reconvening, Mr. Bentley announced that no action had been taken during the executive session.

There being no further business to come before the Public Works Committee, on motion made by Mrs. Wood and seconded by Mr. Taylor, Mr. Bentley adjourned the meeting at 10:26 a.m.

Respectfully submitted, Amanda Allen, Deputy Clerk of the Board